

REMARKS

Claims 1-3, 6-8 and 17 stand rejected. Claims 4, 5, 8 and 17 have been cancelled while claims 1 and 3 have been amended. Claims 9-16 were previously withdrawn. Therefore, claims 1-3 and 6-7 are at issue.

35 U.S.C. § 112

Claims 1-3 and 6-8 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Office Action stated that claim 1 recites "the culture medium" which lacks antecedent basis. Claims 1 and 3 have been amended to correct the terminology used and overcome this indicated deficiency. Therefore, this rejection should be withdrawn.

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. Claim 8 has been incorporated into independent claim 1. The stated rejection will be discussed with respect to independent claim 1. The Office Action alleges that the claim contains subject matter which was not described in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant traverses this rejection for the reasons indicated below.

Specifically, one skilled in the art readily understands different cells may be cultivated in many different forms of culture medium. The Office Action states that one skilled in the art would be required to conduct "undue experimentation" for each tumor type. However, one skilled in the art would be able to readily determine an acceptable composition suitable for any specific tumor. There is not one specific composition that is chosen for any specific form of tumor, but instead a range for each component may be acceptable for a given tumor. One skilled in the art would easily find an acceptable range quickly, without undue experimentation, from the specification and claims.

The Office Action also states that none of the "classic media" formulations require both $\text{Ca}(\text{NO}_3)_2$ and CaCl_2 . However, when in solution, the culture medium does not have $\text{Ca}(\text{NO}_3)_2$ and Na_2SO_4 existing separately, but

instead the salts will exist in the form of the individual ionic components, such as Ca^{+2} , Na^{+} , SO_4^{-2} and NO_3^{-} . Therefore, it does not make a difference if one skilled in the art chose $\text{Na}(\text{NO}_3)_2$ and CaSO_4 or $\text{Ca}(\text{NO}_3)_2$ and Na_2SO_4 .

Furthermore, one skilled in the art is obviously knowledgeable about "classic media" including the various components which make up the media. For example, MEM medium consists of 56 components while RPMI medium consists of 42 components. One skilled in the art would be able to use the relative concentrations of the components from these "classic media", combined with the information provided in the present application to prepare a similar composition suitable for specific applications. Therefore, one skilled in the art could easily determine, without undue experimentation, a suitable composition for a given application using the "classic media" combined with the ranges and teachings found in the present application.

35 U.S.C. § 103

Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kornblith in view of the abstract of Joyce et al., Adams et al., Freshney, Yen-Maguire et al., and any of the abstracts of Ogden et al., Ellis et al., or Jeng et al.

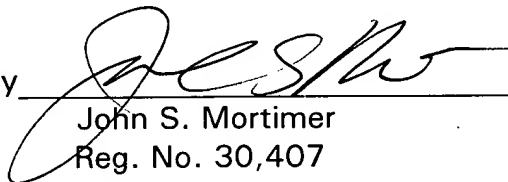
Independent claim 1, from which claims 2-3 and 6-7 depend has been amended to incorporate the subject matter of claim 8 (now cancelled). None of the cited references, either taken alone or in combination, discloses or suggests the subject matter of claim 8, which has been incorporated into independent claim 1 by the present amendment. Therefore, this rejection of claims 1-3 and 6-7 should be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration of the rejection of claims 1-3 and 6-7 and allowance of the case. Should additional fees be required in connection with this matter, please charge our Deposit Account No. 23-0785 the necessary amount.

Respectfully submitted,

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